

IN RE: PETITION FOR ZONING VARIANCE
NEC Potomac Avenue &
Linden Road
422 Potomac Avenue
15th Election District
5th Councilmanic District
William E. Holt, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 to allow a side yard setback of 2 feet in lieu of the minimum 10 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Mr. William E. Holt, Jr., appeared and testified. There were no Protestants.

Testimony and evidence indicated that the subject property known as 422 Potomac Avenue, consists of approximately 5,000 square feet +/-, zoned D.R.5.5 and is improved with a one-story single family dwelling with an accessory garage and metal shed.

The Petitioner is desirous of constructing a one-story addition on the northwest side of his home to create an additional bedroom. The Petitioner testified that his wife is currently pregnant and the additional space is needed to accommodate their growing family. He also testified that the proposed location for the addition is the only practical location for the layout of the property.

Testimony indicated that the Petitioner's neighbors have no objection with the proposed addition.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of Nov., 1989 that the Petition for a Zoning Variance from Section 1802.3.C.1 to allow a side yard setback of 2 feet in lieu of the minimum 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the

Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 9, 1989



Dennis F. Rasmussen
County Executive

Mr. and Mrs. William E. Holt, Jr.
422 Potomac Avenue
Baltimore, Maryland 21237

RE: Petition for Zoning Variance
Case No. 90-142-A

Dear Mr. and Mrs. Holt:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 11/9/89
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/9/89
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/9/89
By [Signature]

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-142-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to allow a side yard setback of 2 feet in lieu of the minimum 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. New Baby, need more room
2. Medical reasons, (construction remodeling)
3. Wanting to complete room before baby arrives in December

Property is to be posted and advertised as prescribed by Zoning Regulations.
1. or we agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm under the penalties of perjury, that I, We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

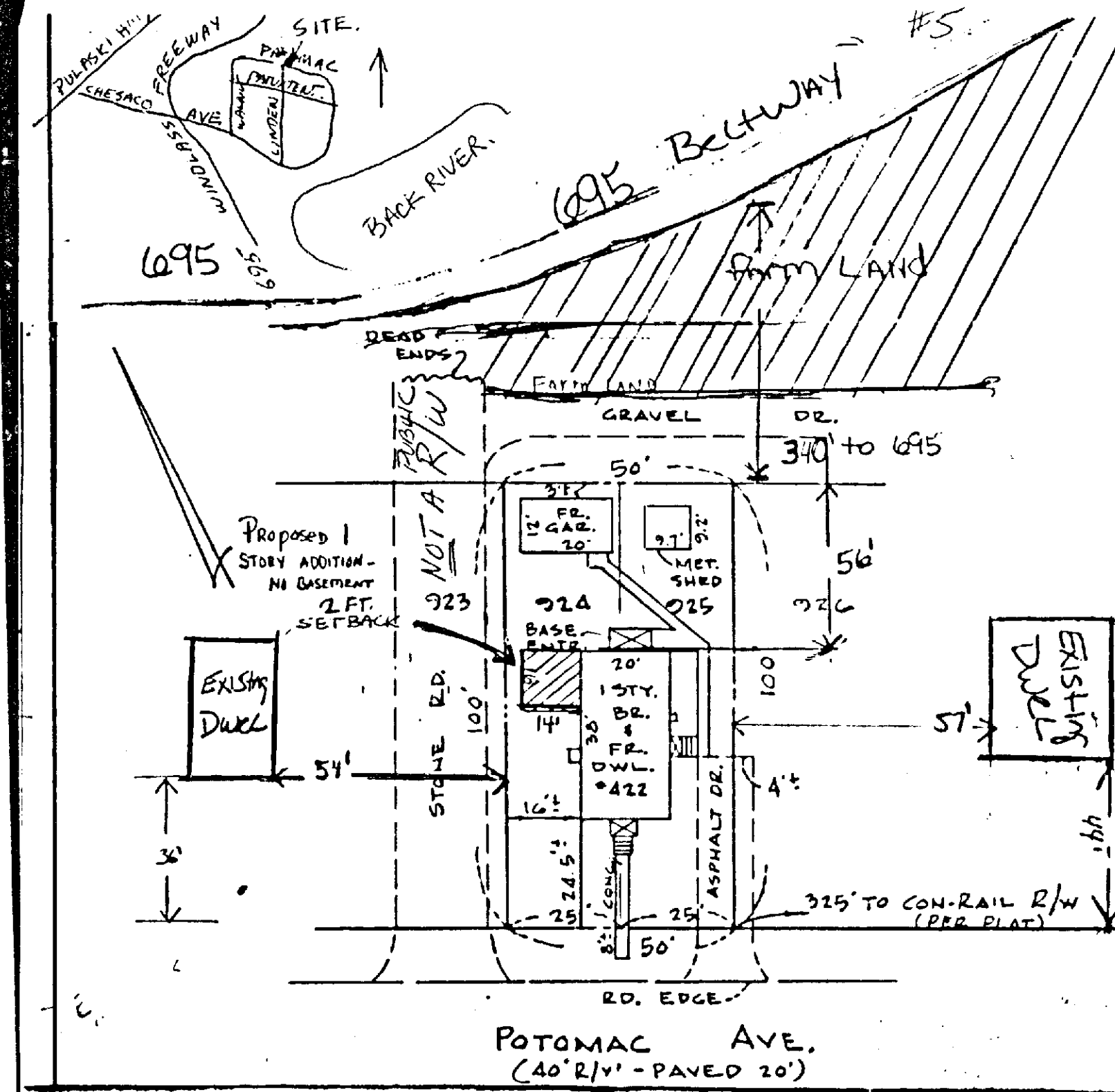
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State

Attorney's Telephone No.:
Name
Address
City and State

ORDERED By the Zoning Commissioner of Baltimore County, this 31st day of Nov., 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of Nov., 1989, at 10:00 A.M.

Zoning Commissioner of Baltimore County.

(over)



OWNER - William and Gail Holt
DISTRICT 15 ZONED D.R. 5.5 District 15
SUBDIVISION - Potomac Ave. (Chesaco Park)
LOT 924 and 925 15-13-201-960
Box 3 / 7010 III PLAT C
EXISTING UTILITIES IN Annual Avenue (40' R/W - Paved 20')
SCALE: 1" = 30'
NOT IN CRITICAL AREA

ZONING DESCRIPTION

Beginning of the Point at the North East corner of the intersection of Potomac Ave. and Linden Rd. (Extended thru Lot 923) being known as Lots 924, 925 in Plat Book 3, Folio III Plat C of Chesaco Park, also known as 422 Potomac Ave. in the Fifteenth election District

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/1/89 ACCOUNT 20-01-45
AMOUNT \$ 35.00

RECEIVED FOR
FOR RV POINT CODE of Lot # 5

VALIDATION OR SIGNATURE OF CARRIER
DATE 11/1/89

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District 15th
Posted for Variance
Petitioner: William E. Holt, Jr. et ux
Location of property: 422 Potomac Ave.
Location of Sign: 422 Potomac Ave.
Remarks: 21. 100 sq. ft. of Petitioner's
Posted by [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS

442 Easton Blvd.
Baltimore, MD 21221
September 28, 1989
THIS IS TO CERTIFY, that the advertised advertisement of William E. Holt, Jr. in the matter of petition for zoning variance Potomac Avenue and Linden Road, 15th Election District, Case #90-142-A, P.O.# 17186, Reg. # H34211, 17 Times 6:55 or \$4.35 was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for successive weeks before the 29th day of Sept. 1989. It is to say, the same was inserted in the issues of Sept. 29, 1989.

The Avenue Inc.
per publisher
By [Signature]

Notice of Hearing
The Zoning Commission of Baltimore County is hereby notified that a public hearing will be held on the 30th day of November, 1989, at 10:00 A.M. in Room 106 of the County Office Building in Towson, Baltimore County, Maryland, for the purpose of hearing the petition for a zoning variance from Section 1802.3.C.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the purpose of allowing a side yard setback of 2 feet in lieu of the minimum 10 feet, as more particularly described on Petitioners' Exhibit 1. The petition is for a zoning variance from Section 1802.3.C.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the purpose of allowing a side yard setback of 2 feet in lieu of the minimum 10 feet, as more particularly described on Petitioners' Exhibit 1. The petition is for a zoning variance from Section 1802.3.C.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the purpose of allowing a side yard setback of 2 feet in lieu of the minimum 10 feet, as more particularly described on Petitioners' Exhibit 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 28, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 28, 1989.

THE JEFFERSONIAN,

S. Zebe Orlan
Publisher

\$ 32.43

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number: 90-142-A
NEC Potomac Avenue and Linden Road
422 Potomac Avenue
15th Election District
5th Councilmanic District
Petitioner(s): William E. Holt, Jr., et ux
Hearing Date: Monday, Oct. 30, 1989 at 9:30 a.m.
Variances: To allow a side yard setback to 2 feet in lieu of the minimum 10 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
9:30 Sept. 28

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 10/10/89



Dennis F. Rasmussen
County Executive

Re: Mr. & Mrs. William E. Holt, Jr.
422 Potomac Avenue
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
CASE NUMBER: 90-142-A
NEC Potomac Avenue and Linden Road
422 Potomac Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William E. Holt, Jr., et ux
HEARING DATE: MONDAY, OCTOBER 30, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Holt:

Please be advised that \$164.78 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to pay the fee and return the sign & post set(s), there will be a charge of \$10.00 per set for each such set.

BAITIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 10/30/89 ACCOUNT REC-111-000
AMOUNT \$ 164.78
RECEIVED FROM William E. Holt, Jr.
FOR PAID for 10/30/89 Item 90-142-A
B UNIT *****1042013 *****
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 13, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-142-A
NEC Potomac Avenue and Linden Road
422 Potomac Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William E. Holt, Jr., et ux
HEARING DATE: MONDAY, OCTOBER 30, 1989 at 9:30 a.m.

Variances to allow a side yard setback of 2 feet in lieu of the minimum 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: William E. Holt, Jr., et ux
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 5, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
090

Mr. & Mrs. William E. Holt, Jr.
422 Potomac Avenue
Baltimore, MD 21237

RE: Item No. 5, Case No. 90-142-A
Petitioner: William E. Holt, et al
Petition for Zoning Variance

Dear Mr. & Mrs. Holt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

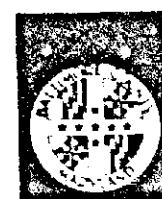
Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 31st day of July, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: William E. Holt, et ux
Petitioner's Attorney:

OCT 30, 1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 5, 1989
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: William E. Holt, Jr., Item 5
Zoning Petition No. 90-142A

The petitioner requests a Variance to allow a side yard setback of 2 ft. in lieu of the minimum 10 ft.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 3 1989
ZONING OFFICE



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 1, 2, 3, 5, 6, 7, and 8.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

JULY 26, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM E. HOLT, JR.

Location: NE CORNER OF POTOMAC AVENUE AND LINDEN ROAD

Item No.: 5 Zoning Agenda: JULY 18, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Tom Brady Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK